

REMARKS

The Examiner has rejected claims 1-2, 6-9, and 11-13 under 35 U.S.C. §102(b) as anticipated by Hu US Patent 5,680,841. The Examiner further explains that the Hu reference teaches all of the limitations of the present invention.

Applicants have amended claims 1 and 9 to more positively set forth that which is regarded as the invention. Applicants have added that the fluid system is a "stand alone fluid system" in the preamble of claim 1 and the body of claim 9 and added a stand alone fluid reservoir to the body of claim 1. The prior art of Hu does suggest that other fluid other than engine lubricating oil, engine fuel, or other suitable fluid could be used. Applicants contend that the Hu reference does not teach all of the limitations of independent claims 1 and 9 as amended in the present application. Specifically, the Hu reference does not teach or even suggest that the fluid system is "a stand alone fluid system" used SOLELY for actuating the at least one subsystem positioned in the head assembly. Furthermore, the Hu reference teaches a fluid system to improve cam and valve interaction and not how to better treat the fluid for the hydraulically activated subsystems. By having a stand alone system, which adds additional cost and weight to an engine, the fluid can be more accurately controlled for cleanliness, temperature, viscosity etc. This leads to better reaction time, longer life of components, etc. The Hu reference does not teach or even suggest that the fluid system is a stand alone fluid system that is used solely to actuate an engine subsystem. The Examiner states in item 7 of the Official Action paper 6 that "the reference to Hu reads "the hydraulic fluid may be ... any other suitable fluid and therefore the device of Hu is too, used solely for actuating the at least one subsystem...". Applicants contend that the reference does suggest that other fluids could be used to perform the hydraulic functions, however the Hu reference, and for that matter any of the art of record, is void of a teaching or suggestion that the fluid system be a self contained stand alone system. Applicants therefore contend that independent claims 1 and 9 are not anticipated by the Hu reference and respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b).

Regarding claims 2, 6-8 and 11-13, these claims add further limitations to independent claims 1 and 9 and therefore are believed to be allowable for at least the same reasons. Applicants therefore respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) of claims 2, 6-8 and 11-13.

The Examiner has rejected claims 5 and 10 under 35 U.S.C. §103(a) as being anticipated by Hu US Patent 5,680,841 (as applied to claims 1 and 9 above) in view of Glassey US Patent 5,191,867. The Examiner further explains that the Hu reference teaches all of the limitations of the present invention, except for the subsystem being a fuel injection system, which is taught by Glassey.

Applicants respectfully traverse the Examiners rejections for the same reasons as argued above. Hu does not teach that the fluid system is a stand alone system used solely for actuating a subsystem positioned in the head assembly. Therefore, the combination of Hu and Glassey does not teach or even suggest the combination of elements as set forth in the present application and respectfully requests withdrawal of the rejections under 35 U.S.C. §103(a) and reconsideration of claims 5 and 10 of the present application.

The Examiner has rejected claims 3-4 and 14 under 35 U.S.C. §103(a) as being anticipated by Hu US Patent 5,680,841 (as applied to claims 1-2, 9 and 13 above) in view of Bartley US Patent 6,220,521. The Examiner further explains that the Hu reference teaches all of the limitations of the present invention, except for the fluid system including a heat exchanger to control fluid temperature, which is taught in Bartley.

Applicants respectfully traverse the Examiners rejections for the same reasons as argued above. Hu does not teach that the fluid system is used solely for actuating a subsystem positioned in the head assembly. Therefore, the combination of Hu and Bartley does not teach or even suggest the combination of elements as set forth in the present application and respectfully requests withdrawal of the rejections under 35 U.S.C. §103(a) and reconsideration of claims 3-4 and 14 of the present application.

It is respectfully urged that the subject application is in condition for allowance and allowance of the application at issue is respectfully requested.

Respectfully submitted,



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